

**Notice of Allowability**

Application No.

10/811,451

Applicant(s)

SALMON, D'MILES

Examiner

Art Unit

Gordon J. Stock

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to interview 5/31/07.

2.  The allowed claim(s) is/are 1-20 and 22-27.

3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some\*    c)  None    of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.

(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)

5.  Notice of Informal Patent Application

2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)

6.  Interview Summary (PTO-413),  
Paper No./Mail Date 20070601.

3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_.

7.  Examiner's Amendment/Comment

4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

8.  Examiner's Statement of Reasons for Allowance

9.  Other PTOL-413A.

**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney James Gavney on May 31, 2007. Specifically, **claims 1 and 25** are amended. See attached PTOL-413.

Amended claims follow:

1. (Currently Amended) A positioning and alignment device comprising:
  - a) a positioning object with a first transmitter and a first receiver for transmitting positioning signals to a target object and for receiving alignment signals from the target object when the positioning object and the target object are laterally aligned in a communication path between the positioning object and the target object;
  - b) a second transmitter and a second receiver for transmitting the alignment signals from the target object and for receiving the positioning signals at the target object, when the positioning object and the target object are aligned in the communication path between the positioning object and the target object; and

- c) an indicator that indicates for indicating when the positioning object and the target are aligned as the positioning object is moved through a trajectory in the communication path between the positioning object and the target object and towards the target object.

25. (Currently Amended) A system for monitoring the alignment of an object with a target, the system comprising means for providing a two-way communication path between the object and target, the means for providing the two-way communication comprising:

- a) a positioning unit for detachably coupling to the object, the positioning unit comprising a first transmitter, first receiver and an indicator; and
- b) a target unit for positioning near or at the target, the target unit comprising a second transmitter and second receiver, wherein the first transmitter, the first receiver, the second transmitter and the second receiver provide the two-way communication path between the object and the target for monitoring the alignment of the object and wherein the indicator provides an indication when the object is laterally moved in or out of a trajectory along the two-way communication path between the positioning unit and the target unit.

*Allowable Subject Matter*

2. **Claims 1-20 and 22-27** are allowed.

The following is an examiner's statement of reasons for allowance:

As to **claim 1**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a positioning and alignment device the particular indicator, in combination with the rest of the limitations of **claims 1-9**.

As to **claim 10**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a system for tracking a trajectory of an object relative to a target area means for generating alignment signals and means for detecting the alignment signals at the object, in combination with the rest of the limitations of **claims 10-19**.

As to **claim 20**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a positioning and alignment system 'the positioning unit is configured to illuminate light when the target unit communicates the alignment signal to the positioning unit,' in combination with the rest of the limitations of **claims 20, 22-24**.

As to **claim 25**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a system for monitoring the alignment of an object with a target the particular indicator providing an indication when the object is laterally moved in or out of a trajectory along the two-way communication path between the positioning unit and the target unit in combination with the rest of the limitations of **claim 25**.

As to **claim 26**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a positioning and alignment system 'the positioning unit comprises an optical transmitter' in combination with the rest of the limitations of **claim 26**.

As to **claim 27**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a positioning and alignment system ‘the target unit comprises a radio transmitter’ in combination with the rest of the limitations of **claim 27**.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US 7,214,138 B1 to Stivers et al.

US 2007/0105637 A1 to Shimizu

US 2007/0105639 A1 to Hasegawa

### ***Fax/Telephone Numbers***

If the applicant wishes to send a fax dealing with either a proposed amendment or a discussion with a phone interview, then the fax should:

- 1) Contain either a statement “DRAFT” or “PROPOSED AMENDMENT” on the fax cover sheet; and
- 2) Should be unsigned by the attorney or agent.

This will ensure that it will not be entered into the case and will be forwarded to the examiner as quickly as possible.

*Papers related to the application may be submitted to Group 2800 by Fax transmission. Papers should be faxed to Group 2800 via the PTO Fax machine located in Crystal Plaza 4. The form of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CP4 Fax Machine number is: (571) 273-8300*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gordon J. Stock whose telephone number is (571) 272-2431.

The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 6:30 p.m.

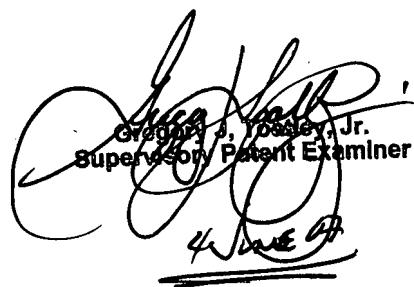
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr., can be reached at 571-272-2800 ext 77.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gs

June 1, 2007

Gregory J. Toatley, Jr.  
Supervisory Patent Examiner  
Art Unit 2877



Gregory J. Toatley, Jr.  
Supervisory Patent Examiner

4 June 07